



Journal of the House

State of Indiana

115th General Assembly

First Regular Session

Thirty-fourth Meeting Day

Thursday Afternoon

March 22, 2007

The House convened at 1:00 p.m. with Speaker B. Patrick Bauer in the Chair.

The Speaker read a prayer for guidance and insight (printed January 8, 2007).

The Pledge of Allegiance to the Flag was led by Representative Winfield C. Moses, Jr.

The Speaker ordered the roll of the House to be called:

Austin	Klinker
Avery	Knollman
Bardon	Koch
Battles	Kuzman
Behning	L. Lawson
Bell	Lehe
Bischoff	Leonard
Borders	Lutz
Borror	Mays
Bosma	McClain
C. Brown ☐	Micon
T. Brown	Moses
Buck	Murphy
Buell	Neese
Burton	Niezgodski
Candelaria Reardon	Noe
Cheatham	Orentlicher
Cheney	Oxley
Cherry	Pelath
Cochran	Pflum
Crawford	Pierce
Crooks	Pond
Crouch	Porter
Davis	Reske
Day	Richardson
Dembowski	Ripley
Denbo	Robertson
Dermody	Ruppel
Dickinson	Saunders
Dobis	M. Smith
Dodge	V. Smith
Duncan	Soliday
Dvorak	Stemler
Eberhart	Stevenson
Elrod	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Tyler
Gutwein ☐	Ulmer
E. Harris	VanHaften
T. Harris	Walorski
Herrell	Welch
Hinkle	Whetstone
Hoy	Wolkins
Kersey	Mr. Speaker

Roll Call 376: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, March 26, 2007, at 1:00 p.m.

KERSEY

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1033, 1059, 1210, 1211, 1214, 1266, 1335, 1426, 1428, and 1693 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1242, 1300, and 1509 and the same are herewith returned to the House.

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Act 41 for signature of the Speaker of the House.

MARY C. MENDEL

Principal Secretary of the Senate

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1084, 1146, 1299, 1381, and 1456 and Senate Enrolled Acts 10, 41, and 212 on March 21.

RESOLUTIONS ON FIRST READING

House Resolution 35

Representative Grubb introduced House Resolution 35:

A HOUSE RESOLUTION recognizing Dorothy Sternberg.

Whereas, Dorothy Sternberg recently competed in her 50th bowling championship at the 2006 United States Bowling Congress (USBC) Women's Championships;

Whereas, Dorothy Sternberg began her run of championship appearances in Miami in 1956 and has competed every year except 1969;

Whereas, Dorothy Sternberg was recognized by the USBC for her accomplishment before the 2006 women's championship in a ceremony on the center aisle at the National Bowling Stadium, where she was presented with a special plaque and pin;

Whereas, Dorothy Sternberg, who has been bowling for 63

years, was recently inducted into the Indiana Bowling Hall of Fame and continues to bowl twice a week in league competition; and

Whereas, Dorothy, an 85-years-old Indianapolis native, has bowled in every state except Hawaii: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates Dorothy Sternberg on her 50th United States Bowling Congress women's championship appearance and wishes her continued success in the future.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Dorothy Sternberg.

The resolution was read a first time and adopted by voice vote.

House Resolution 36

Representative Kuzman introduced House Resolution 36:

A HOUSE RESOLUTION recognizing the 2006 Crown Point 8 and Under Girls Softball Team.

Whereas, Softball began indoors on Thanksgiving Day in Chicago in 1887 and was moved outside at a Minneapolis, Minnesota firehouse in 1895 by Lewis Rober Sr. so the firefighters could get some exercise while waiting for an alarm;

Whereas, Women's fast-pitch softball was selected to debut as a medal sport at the 1996 Olympic Summer Games in Atlanta, Georgia;

Whereas, Today softball is a way of life for thousands of people each year;

Whereas, The 2006 Crown Point 8 and Under Girls Softball Team is the 2006 National Softball Association 8 and Under Girls' Indiana State Champion; and

Whereas, The members of the 2006 Crown Point 8 and Under Girls Softball Team have proven themselves to be true champions and have learned the many valuable lessons that athletics can give our young people, including the value of friendship, sportsmanship, and teamwork: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the members of the Indiana House of Representatives congratulate the members of Crown Point's 2006 8 and Under Girls Softball Team on their state championship and wish them continued success in their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to team members Hannah Albrecht, Colleen Anderson, Taylor Ard, Miranda Elish, Melissa Fajman, Nicole Gilbert, Vanessa Hekkel, Alexis Holloway, Alyssa McClanahan, Brittany Robinson, Brooklyn Turley, and Felicia Wacasey, and coaches Dwight Ard, Seth Holloway, and Dawn Elish.

The resolution was read a first time and adopted by voice vote.

House Resolution 37

Representative V. Smith introduced House Resolution 37:

A HOUSE RESOLUTION recognizing Reverend Thomas Payton.

Whereas, Reverend Thomas Payton will be ordained on March 18, 2007, and will serve at the Cathedral of Faith Church in Michigan City;

Whereas, Reverend Thomas Payton is currently acting as Associate Pastor at the New Friendship M.B. Church in Gary;

Whereas, Reverend Thomas Payton is also serving as President of the Northwest Harvest Foundation and is a Minister of Music;

Whereas, Reverend Thomas Payton was blessed with a great musical talent that he plans to use in his ministry;

Whereas, Reverend Payton is an accomplished guitarist and also plays the drums, bass, piano, and organ;

Whereas, Reverend Payton is a great singing talent and has been the opening act for Aretha Franklin, the Temptations and the Dells and has appeared with Jerry Butler and the Jackson 5;

Whereas, One of Reverend Payton's goals is to establish a record label and help young artists;

Whereas, Reverend Payton plans to use his gifts and resources in an Outreach Ministry for the cause of humanity as well as to bring enlightenment and hope to the less fortunate; and

Whereas, Reverend Thomas Payton has been given many gifts, which he is using to bring honor and glory to God: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates Reverend Thomas Payton on his ordination and encourages him to continue serving God and helping his parishioners through music and compassion.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Reverend Thomas Payton.

The resolution was read a first time and adopted by voice vote.

House Resolution 38

Representative Stilwell introduced House Resolution 38:

A HOUSE RESOLUTION memorializing Alvin "Grassie" Ebert.

Whereas, Alvin "Grassie" Ebert was born on November 4, 1935, and passed away on January 29, 2007;

Whereas, Alvin "Grassie" Ebert married Angie Schaefer on September 1, 1965, a union that lasted over 50 years and produced five children - Tommy, Linda, Ella, Frances, and Bernice;

Whereas, A kind, humble, hard-working gentleman, Alvin "Grassie" Ebert worked at St. Meinrad Archabbey until his retirement;

Whereas, Alvin "Grassie" Ebert was active in the Democrat Party on the local and state level, serving as precinct committeeman for 40 years in Spencer County; and

Whereas, The contributions of Alvin "Grassie" Ebert helped to strengthen the social and cultural fabric of Spencer County; he will be missed by everyone who knew him: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives expresses its sympathy to the family of Alvin "Grassie" Ebert during the family's time of sorrow and expresses its gratitude for the many contributions made by Mr. Ebert to the people of Spencer County and the Democrat Party.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of Alvin "Grassie" Ebert.

The resolution was read a first time and adopted by voice vote.

With consent of the members the Speaker turned to bills on third reading.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 445

Representative Niezgodski called down Engrossed Senate Bill 445 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 377: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

With consent of the members, the Speaker returned to reports from committees.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 88, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Engrossed Senate Bill 93, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, after "(a)" insert "**This section does not apply to the Indiana Veterans' Home.**

(b)".

Page 1, line 3, delete "this article" and insert "**IC 16-28.**"

Page 1, line 10, after "completing" insert "**the**".

Page 1, delete lines 12 through 13.

Page 1, line 14, delete "(b)" and insert "**(c)**".

Page 2, line 7, after "with" insert "**fire**".

Page 2, line 18, after "has" insert "**a**".

Page 2, line 18, delete "battery operated" and insert "**wireless smoke detector in each resident's room, whether the smoke detector:**".

Page 2, delete line 19.

Page 2, line 20, delete "whether the smoke detectors provide" and insert "**provides**".

Page 2, line 23, delete "whether the smoke detectors transmit" and insert "**transmits**".

Page 2, line 25, delete "whether the smoke detectors connect" and insert "**connects**".

Page 2, line 27, delete "[EFFECTIVE JULY 1, 2007]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 2, after line 37, begin a new paragraph and insert:

"SECTION 5. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to SB 93 as reprinted February 2, 2007.) and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

VAN HAAFTEN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Engrossed Senate Bill 103, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, after "agency"" insert ", **except as provided in section 2.1 of this chapter,**"

Page 1, line 17, delete "." and insert "**that is required by statute, rule, or regulation.**".

Page 3, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 2. IC 5-14-1.5-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.1. "Public agency", for purposes of this chapter, does not mean a provider of goods, services, or other benefits that meets the following requirements:

(1) The provider receives public funds through an agreement with the state or a municipality that meets the following requirements:

(A) The agreement provides for the payment of fees to the entity in exchange for services, goods, or other benefits.

(B) The amount of fees received by the entity under the agreement is not based upon or does not involve a consideration of the tax revenues or receipts of the state or municipality.

(C) The amount of the fees are negotiated by the entity and the state or municipality.

(D) The state or municipality is billed for fees by the entity for the services, goods, or other benefits actually provided by the entity.

(2) The provider is not required by statute, rule, or regulation to be audited by the state board of accounts."

Page 4, line 25, after "(7)" insert "**consecutive**".

Page 5, delete lines 6 through 9.

Page 5, line 10, delete "(7)" and insert "**(6)**".

Page 5, line 13, delete "(8)" and insert "**(7)**".

Page 5, line 15, delete "(9) a meeting" and insert "**(8) a gathering**".

Page 5, line 16, delete "engage in" and insert "**receive information and deliberate on**".

Page 5, line 17, delete "informal discussion concerning".

Page 5, line 20, delete "or final".

Page 5, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 4. IC 5-14-1.5-6.1, AS AMENDED BY P.L.101-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6.1. (a) As used in this section, "public official" means a person:

(1) who is a member of a governing body of a public agency; or

(2) whose tenure and compensation are fixed by law and who executes an oath.

(b) Executive sessions may be held only in the following instances:

(1) Where authorized by federal or state statute.

(2) For discussion of strategy with respect to any of the following:

(A) Collective bargaining.

(B) Initiation of litigation or litigation that is either pending or has been threatened specifically in writing.

(C) The implementation of security systems.

(D) The purchase or lease of real property by the governing body up to the time a contract or option to purchase or lease is executed by the parties.

However, all such strategy discussions must be necessary

for competitive or bargaining reasons and may not include competitive or bargaining adversaries.

(3) For discussion of the assessment, design, and implementation of school safety and security measures, plans, and systems.

(4) Interviews and negotiations with industrial or commercial prospects or agents of industrial or commercial prospects by the Indiana economic development corporation, the office of tourism development, the Indiana finance authority, ~~or an economic development commissions; commission, a local economic development organization (as defined in IC 5-28-11-2(3)), or a governing body of a political subdivision.~~

(5) To receive information about and interview prospective employees.

(6) With respect to any individual over whom the governing body has jurisdiction:

(A) to receive information concerning the individual's alleged misconduct; and

(B) to discuss, before a determination, the individual's status as an employee, a student, or an independent contractor who is:

(i) a physician; or

(ii) a school bus driver.

(7) For discussion of records classified as confidential by state or federal statute.

(8) To discuss before a placement decision an individual student's abilities, past performance, behavior, and needs.

(9) To discuss a job performance evaluation of individual employees. This subdivision does not apply to a discussion of the salary, compensation, or benefits of employees during a budget process.

(10) When considering the appointment of a public official, to do the following:

(A) Develop a list of prospective appointees.

(B) Consider applications.

(C) Make one (1) initial exclusion of prospective appointees from further consideration.

Notwithstanding IC 5-14-3-4(b)(12), a governing body may release and shall make available for inspection and copying in accordance with IC 5-14-3-3 identifying information concerning prospective appointees not initially excluded from further consideration. An initial exclusion of prospective appointees from further consideration may not reduce the number of prospective appointees to fewer than three (3) unless there are fewer than three (3) prospective appointees. Interviews of prospective appointees must be conducted at a meeting that is open to the public.

(11) To train school board members with an outside consultant about the performance of the role of the members as public officials.

(12) To prepare or score examinations used in issuing licenses, certificates, permits, or registrations under IC 15-5-1.1 or IC 25.

(13) To discuss information and intelligence intended to prevent, mitigate, or respond to the threat of terrorism.

(c) A final action must be taken at a meeting open to the public.

(d) Public notice of executive sessions must state the subject matter by specific reference to the enumerated instance or instances for which executive sessions may be held under subsection (b). The requirements stated in section 4 of this chapter for memoranda and minutes being made available to the public is modified as to executive sessions in that the memoranda and minutes must identify the subject matter considered by specific reference to the enumerated instance or instances for which public notice was given. The governing body shall certify by a statement in the memoranda and minutes of the governing body that no subject matter was discussed in the executive

session other than the subject matter specified in the public notice.

(e) A governing body may not conduct an executive session during a meeting, except as otherwise permitted by applicable statute. A meeting may not be recessed and reconvened with the intent of circumventing this subsection."

Page 7, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 7. IC 5-14-3-2, AS AMENDED BY P.L.1-2006, SECTION 101, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The definitions set forth in this section apply throughout this chapter.

(b) "Copy" includes transcribing by handwriting, photocopying, xerography, duplicating machine, duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage, and reproducing by any other means.

(c) "Direct cost" means one hundred five percent (105%) of the sum of the cost of:

(1) the initial development of a program, if any;

(2) the labor required to retrieve electronically stored data; and

(3) any medium used for electronic output;

for providing a duplicate of electronically stored data onto a disk, tape, drum, or other medium of electronic data retrieval under section 8(g) of this chapter, or for reprogramming a computer system under section 6(c) of this chapter.

(d) "Electronic map" means copyrighted data provided by a public agency from an electronic geographic information system.

(e) "Enhanced access" means the inspection of a public record by a person other than a governmental entity and that:

(1) is by means of an electronic device other than an electronic device provided by a public agency in the office of the public agency; or

(2) requires the compilation or creation of a list or report that does not result in the permanent electronic storage of the information.

(f) "Facsimile machine" means a machine that electronically transmits exact images through connection with a telephone network.

(g) "Inspect" includes the right to do the following:

(1) Manually transcribe and make notes, abstracts, or memoranda.

(2) In the case of tape recordings or other aural public records, to listen and manually transcribe or duplicate, or make notes, abstracts, or other memoranda from them.

(3) In the case of public records available:

(A) by enhanced access under section 3.5 of this chapter; or

(B) to a governmental entity under section 3(c)(2) of this chapter;

to examine and copy the public records by use of an electronic device.

(4) In the case of electronically stored data, to manually transcribe and make notes, abstracts, or memoranda or to duplicate the data onto a disk, tape, drum, or any other medium of electronic storage.

(h) "Investigatory record" means information compiled in the course of the investigation of a crime.

(i) "Patient" has the meaning set out in IC 16-18-2-272(d).

(j) "Person" means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity.

(k) "Provider" has the meaning set out in ~~IC 16-18-2-295(a)~~ **IC 16-18-2-295(b)** and includes employees of the state department of health or local boards of health who create patient records at the request of another provider or who are social workers and create records concerning the family background of children who may need assistance.

(l) "Public agency", **except as provided in section 2.1 of this chapter**, means the following:

(1) Any board, commission, department, division, bureau, committee, agency, office, instrumentality, or authority, by whatever name designated, exercising any part of the executive, administrative, judicial, or legislative power of the state.

(2) Any:

(A) county, township, school corporation, city, or town, or any board, commission, department, division, bureau, committee, office, instrumentality, or authority of any county, township, school corporation, city, or town;

(B) political subdivision (as defined by IC 36-1-2-13); or

(C) other entity, or any office thereof, by whatever name designated, exercising in a limited geographical area the executive, administrative, judicial, or legislative power of the state or a delegated local governmental power.

(3) Any entity or office that is subject to:

(A) budget review by either the department of local government finance or the governing body of a county, city, town, township, or school corporation; or

(B) an audit by the state board of accounts **that is required by statute, rule, or regulation**.

(4) Any building corporation of a political subdivision that issues bonds for the purpose of constructing public facilities.

(5) Any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or the committees of any such staff.

(6) Any law enforcement agency, which means an agency or a department of any level of government that engages in the investigation, apprehension, arrest, or prosecution of alleged criminal offenders, such as the state police department, the police or sheriff's department of a political subdivision, prosecuting attorneys, members of the excise police division of the alcohol and tobacco commission, conservation officers of the department of natural resources, gaming agents of the Indiana gaming commission, and the security division of the state lottery commission.

(7) Any license branch staffed by employees of the bureau of motor vehicles commission under IC 9-16.

(8) The state lottery commission established by IC 4-30-3-1, including any department, division, or office of the commission.

(9) The Indiana gaming commission established under IC 4-33, including any department, division, or office of the commission.

(10) The Indiana horse racing commission established by IC 4-31, including any department, division, or office of the commission.

(m) "Public record" means any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics.

(n) "Standard-sized documents" includes all documents that can be mechanically reproduced (without mechanical reduction) on paper sized eight and one-half (8 1/2) inches by eleven (11) inches or eight and one-half (8 1/2) inches by fourteen (14) inches.

(o) "Trade secret" has the meaning set forth in IC 24-2-3-2.

(p) "Work product of an attorney" means information compiled by an attorney in reasonable anticipation of litigation. The term includes the attorney's:

(1) notes and statements taken during interviews of prospective witnesses; and

(2) legal research or records, correspondence, reports, or memoranda to the extent that each contains the attorney's opinions, theories, or conclusions.

This definition does not restrict the application of any exception under section 4 of this chapter.

SECTION 8. IC 5-14-3-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2.1. "Public agency", for purposes of this chapter, does not mean a provider of goods, services, or other benefits that meets the following requirements:**

(1) The provider receives public funds through an agreement with the state or a municipality that meets the following requirements:

(A) The agreement provides for the payment of fees to the entity in exchange for services, goods, or other benefits.

(B) The amount of fees received by the entity under the agreement is not based upon or does not involve a consideration of the tax revenues or receipts of the state or municipality.

(C) The amount of the fees are negotiated by the entity and the state or municipality.

(D) The state or municipality is billed for fees by the entity for the services, goods, or other benefits actually provided by the entity.

(2) The provider is not required by statute, rule, or regulation to be audited by the state board of accounts.

SECTION 9. IC 5-14-3-4, AS AMENDED BY P.L.101-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:**

(1) Those declared confidential by state statute.

(2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.

(3) Those required to be kept confidential by federal law.

(4) Records containing trade secrets.

(5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.

(6) Information concerning research, including actual research documents, conducted under the auspices of an institution of higher education, including information:

(A) concerning any negotiations made with respect to the research; and

(B) received from another party involved in the research.

(7) Grade transcripts and license examination scores obtained as part of a licensure process.

(8) Those declared confidential by or under rules adopted by the supreme court of Indiana.

(9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39.

(10) Application information declared confidential by the board of the Indiana economic development corporation under IC 5-28-16.

(11) A photograph, a video recording, or an audio recording of an autopsy, except as provided in IC 36-2-14-10.

(12) A Social Security number contained in the records of a public agency.

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

- (1) Investigatory records of law enforcement agencies. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.
- (2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:
 - (A) a public agency;
 - (B) the state; or
 - (C) an individual.
- (3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again.
- (4) Scores of tests if the person is identified by name and has not consented to the release of the person's scores.
- (5) The following:
 - (A) Records relating to negotiations between the Indiana economic development corporation, the Indiana finance authority, ~~or an economic development commissions~~, **commission, a local economic development organization (as defined in IC 5-28-11-2(3)), or a governing body of a political subdivision** with industrial, research, or commercial prospects, if the records are created while negotiations are in progress.
 - (B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the Indiana economic development corporation, the Indiana finance authority, ~~or an economic development commissions~~ **commission, or a governing body of a political subdivision** to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.
 - (C) When disclosing a final offer under clause (B), the Indiana economic development corporation shall certify that the information being disclosed accurately and completely represents the terms of the final offer.
- (6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.
- (7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.
- (8) Personnel files of public employees and files of applicants for public employment, except for:
 - (A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;
 - (B) information relating to the status of any formal charges against the employee; and
 - (C) the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.
 However, all personnel file information shall be made available to the affected employee or the employee's representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.
- (9) Minutes or records of hospital medical staff meetings.
- (10) Administrative or technical information that would jeopardize a record keeping or security system.

(11) Computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility.

(12) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1. However, this subdivision does not apply to that information required to be available for inspection and copying under subdivision (8).

(13) The work product of the legislative services agency under personnel rules approved by the legislative council.

(14) The work product of individual members and the partisan staffs of the general assembly.

(15) The identity of a donor of a gift made to a public agency if:

(A) the donor requires nondisclosure of the donor's identity as a condition of making the gift; or

(B) after the gift is made, the donor or a member of the donor's family requests nondisclosure.

(16) Library or archival records:

(A) which can be used to identify any library patron; or
 (B) deposited with or acquired by a library upon a condition that the records be disclosed only:

(i) to qualified researchers;

(ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or

(iii) after the death of persons specified at the time of the acquisition or deposit.

However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver licensing medical advisory board regarding the ability of a driver to operate a motor vehicle safely. However, upon written request to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations.

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(19) A record or a part of a record, the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack. A record described under this subdivision includes:

(A) a record assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2;

(B) vulnerability assessments;

(C) risk planning documents;

(D) needs assessments;

(E) threat assessments;

(F) intelligence assessments;

(G) domestic preparedness strategies;

(H) the location of community drinking water wells and surface water intakes;

(I) the emergency contact information of emergency responders and volunteers;

(J) infrastructure records that disclose the configuration of critical systems such as communication, electrical, ventilation, water, and wastewater systems; and

(K) detailed drawings or specifications of structural elements, floor plans, and operating, utility, or security systems, whether in paper or electronic form, of any building or facility located on an airport (as defined in

IC 8-21-1-1) that is owned, occupied, leased, or maintained by a public agency. A record described in this clause may not be released for public inspection by any public agency without the prior approval of the public agency that owns, occupies, leases, or maintains the airport. The public agency that owns, occupies, leases, or maintains the airport:

- (i) is responsible for determining whether the public disclosure of a record or a part of a record has a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack; and
- (ii) must identify a record described under item (i) and clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(J) without approval of (insert name of submitting public agency)".

This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2 has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.

(20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):

- (A) Telephone number.
- (B) Address.
- (C) Social Security number.

(21) The following personal information about a complainant contained in records of a law enforcement agency:

- (A) Telephone number.
- (B) The complainant's address. However, if the complainant's address is the location of the suspected crime, infraction, accident, or complaint reported, the address shall be made available for public inspection and copying.

(c) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(d) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption, shall be made available for inspection and copying seventy-five (75) years after the creation of that record.

(e) Notwithstanding subsection (d) and section 7 of this chapter:

- (1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or
- (2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business."

Page 8, delete lines 13 through 42.

Page 9, delete lines 1 through 2.

Page 9, line 3, delete "IC 20-12-61-5.5" and insert "IC 21-22-3-5".

Page 9, line 5, delete "5.5." and insert "5".

Page 9, line 27, delete "IC 23-13-18-28" and insert "IC 21-25-3-8".

Page 9, line 29, delete "28." and insert "8".

Page 10, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 13. IC 21-27-2-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2. (a) This section applies to a meeting of the board of trustees or a committee of the**

board of trustees of any state educational institution (as defined in IC 21-7-13-32).

(b) A member of the board of trustees may participate in a meeting of the board at which at least a quorum is physically present at the place where the meeting is conducted by using a means of communication that permits:

- (1) all other members participating in the meeting; and**
- (2) all members of the public physically present at the place where the meeting is conducted;**

to simultaneously communicate with each other during the meeting.

(c) A member of a committee of the board of trustees may participate in a committee meeting by using a means of communication that permits:

- (1) all other members participating in the meeting; and**
- (2) all members of the public physically present at the place where the meeting is conducted;**

to simultaneously communicate with each other during the meeting.

(d) A member who participates in a meeting under subsection (b) or (c) is considered to be present at the meeting.

(e) The memoranda of the meeting prepared under IC 5-14-1.5-4 must state the name of:

- (1) each member who was physically present at the place where the meeting was conducted;**
- (2) each member who participated in the meeting by using a means of communication described in subsection (b) or (c); and**
- (3) each member who was absent."**

Page 10, line 15, after "commission" insert "**at which at least a quorum is physically present at the place where the meeting is conducted**".

Renumber all SECTIONS consecutively.

(Reference is to SB 103 as reprinted February 26, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

STEVENSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 122, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 2, after "(a)" insert "**As used in this section, "caseworker" means a person who is employed by or under contract with the division of aging or the department of child services whose professional duties include:**

- (1) providing ongoing adult or child protective services or protective services investigations or assessments; or**
- (2) regularly:**

(A) conducting interviews, visits, or contacts in the homes of; or

(B) providing transportation services for or other services in the homes of;

family members involved in adult or child protective services.

(b)".

Page 1, line 9, after "by" insert "**or on behalf of**".

Page 1, line 13, strike "(b)" and insert "**(c)**".

Page 2, line 1, delete "(c)" and insert "**(d)**".

Page 2, line 8, delete "(d)" and insert "**(e)**".

Page 2, line 11, delete "(e)" and insert "**(f)**".

Page 2, line 13, after "officer," insert "**caseworker,**".

Page 2, line 16, after "officer," insert "**caseworker,**".

Page 2, line 38, delete "(f)" and insert "**(g)**".

(Reference is to SB 122 as printed January 26, 2007.)

and when so amended that said bill do pass.
Committee Vote: yeas 12, nays 0.

HOY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Engrossed Senate Bill 123, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

STEVENSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 132, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 21, nays 0.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 311, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 31-9-2-14, AS AMENDED BY P.L.1-2006, SECTION 496, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) "Child abuse or neglect", for purposes of IC 31-32-11-1, IC 31-33, IC 31-34-7-4, and IC 31-39-8-4, refers to a child who is alleged to be a child in need of services as described in IC 31-34-1-1 through IC 31-34-1-5.

(b) For purposes of subsection (a), the term under subsection (a) does not refer to a child who is alleged to be a child in need of services if the child is alleged to be a victim of a sexual offense under IC 35-42-4-3 unless the alleged offense under IC 35-42-4-3 involves the fondling or touching of the buttocks, genitals, or female breasts.

(c) "Child abuse or neglect", for purposes of IC 31-34-2.3, refers to acts or omissions by a person against a child as described in IC 31-34-1-1 through IC 31-34-1-9."

Page 1, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 3. IC 31-34-2.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 2.3. Removal of Alleged Perpetrators

Sec. 1. If, after an investigation, the department determines that:

- (1) a child is a child in need of services; and
- (2) the child would be protected in the child's residence by the removal of the alleged perpetrator of child abuse or neglect;

the department may file a petition to remove the alleged perpetrator from the child's residence instead of attempting to remove the child from the child's residence.

Sec. 2. (a) A court may issue a temporary restraining order in an action by the department for the removal of an alleged perpetrator of child abuse or neglect under section 1 of this chapter if the department's petition to remove the

alleged perpetrator states facts sufficient to satisfy the court of all of the following:

(1) There is an immediate danger to the physical health or safety of the child or the child has been a victim of sexual abuse.

(2) There is not time for an adversary hearing given the immediate danger to the physical health or safety of the child.

(3) The child is not in danger of child abuse or neglect from a parent or other adult with whom the child will continue to reside in the child's residence.

(4) The issuance of a temporary restraining order is in the best interest of the child.

(b) The court shall order the temporary removal of an alleged perpetrator of child abuse or neglect from a child's residence if the court finds:

(1) that the child is not in danger of child abuse or neglect from a parent or other adult with whom the child will continue to reside in the child's residence; and

(2) one (1) or more of the following:

(A) The presence of the alleged perpetrator in the child's residence constitutes a continuing danger to the physical health or safety of the child.

(B) The child has been the victim of sexual abuse, and there is a substantial risk that the child will be the victim of sexual abuse in the future if the alleged perpetrator remains in the child's residence.

Sec. 3. The department shall serve a temporary restraining order issued under section 2 of this chapter on:

(1) the alleged perpetrator of child abuse or neglect; and

(2) the parent or other adult with whom the child will continue to reside.

Sec. 4. A temporary restraining order issued under this chapter expires not later than the fourteenth day after the date the temporary restraining order is issued.

Sec. 5. A temporary restraining order issued under this chapter or any other order that requires the removal of an alleged perpetrator of child abuse or neglect from the residence of a child must require that the parent or other adult with whom the child will continue to reside in the child's residence makes reasonable efforts:

(1) to monitor the residence; and

(2) to report to the department and the appropriate law enforcement agency any attempt by the alleged perpetrator of child abuse or neglect to return to the child's residence.

Sec. 6. A parent or other adult with whom a child continues to reside after the issuance of a temporary restraining order for removal of an alleged perpetrator of child abuse or neglect who knowingly or intentionally fails to comply with the requirements under section 5 of this chapter commits a Class A misdemeanor.

Sec. 7. An alleged perpetrator of child abuse who knowingly or intentionally returns to a child's residence in violation of an order issued under this chapter commits a Class A misdemeanor. However, the offense is a Class D felony if the alleged perpetrator has a prior unrelated conviction under this section."

Page 3, after line 24, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE JULY 1, 2007] IC 31-34-2.3-6 and IC 31-34-2.3-7, both as added by this act, apply only to offenses committed after June 30, 2007."

Renumber all SECTIONS consecutively.

(Reference is to SB 311 as printed February 16, 2007.)
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

HOY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Engrossed Senate Bill 342, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 6, after "each" insert "**secondary school**".

(Reference is to SB 342 as printed January 26, 2007.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 3.

TINCHER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred Engrossed Senate Bill 357, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 2.

BISCHOFF, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 435, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, after line 11, begin a new paragraph and insert:

"SECTION 2. IC 36-8-15-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) This subsection applies to a county not having a consolidated city. For the purpose of raising money to fund the operation of the district, the county fiscal body may impose, for property taxes first due and payable during each year after the adoption of an ordinance establishing the district, an ad valorem property tax levy on property within the district. The property tax rate for ~~that~~ a levy for:

(1) a county that has a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000) may not exceed five cents (\$0.05) on each one hundred dollars (\$100) of assessed valuation; or

(2) a county not described in subdivision (1) may not exceed one cent (\$0.01) on each one hundred dollars (\$100) of assessed valuation.

(b) This subsection applies to a county having a consolidated city. The county fiscal body may elect to fund the operation of the district from part of the certified distribution, if any, that the county is to receive during a particular calendar year under IC 6-3.5-6-17. To make such an election, the county fiscal body must adopt an ordinance before September 1 of the immediately preceding calendar year. The county fiscal body must specify in the ordinance the amount of the certified distribution that is to be used to fund the operation of the district. If the county fiscal body adopts such an ordinance, it shall immediately send a copy of the ordinance to the county auditor.

(c) Subject to subsections (d), (e), and (f), if an ordinance or resolution is adopted changing the territory covered by the district or the number of public agencies served by the district, the local government tax control board shall, for property taxes first due and payable during the year after the adoption of the ordinance, adjust the maximum permissible ad valorem property tax levy limits of the district and the units participating in the district.

(d) If a unit by ordinance or resolution joins the district or elects to have its public safety agencies served by the district, the

local government tax control board shall reduce the maximum permissible ad valorem property tax levy of the unit for property taxes first due and payable during the year after the adoption of the ordinance or resolution. The reduction shall be based on the amount budgeted by the unit for public safety communication services in the year in which the ordinance was adopted. If such an ordinance or resolution is adopted, the district shall refer its proposed budget, ad valorem property tax levy, and property tax rate for the following year to the board, which shall review and set the budget, levy, and rate as though the district were covered by IC 6-1.1-18.5-7.

(e) If a unit by ordinance or resolution withdraws from the district or rescinds its election to have its public safety agencies served by the district, the local government tax control board shall reduce the maximum permissible ad valorem property tax levy of the district for property taxes first due and payable during the year after the adoption of the ordinance or resolution. The reduction shall be based on the amounts being levied by the district within that unit. If such an ordinance or resolution is adopted, the unit shall refer its proposed budget, ad valorem property tax levy, and property tax rate for public safety communication services to the board, which shall review and set the budget, levy, and rate as though the unit were covered by IC 6-1.1-18.5-7.

(f) The adjustments provided for in subsections (c), (d), and (e) do not apply to a district or unit located in a particular county if the county fiscal body of that county does not impose an ad valorem property tax levy under subsection (a) to fund the operation of the district."

(Reference is to ESB 435 as printed March 16, 2007.)
and when so amended that said bill do pass.

Committee Vote: yeas 14, nays 3.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 557, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 18, delete "Class D felony." and insert "**Class A misdemeanor**".

(Reference is to SB 557 as printed February 23, 2007.)
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

HOY, Chair

Report adopted.

With consent of the members, the Speaker returned to bills on second reading.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 247

Representative L. Lawson called down Engrossed Senate Bill 247 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 247-1)

Mr. Speaker: I move that Engrossed Senate Bill 247 be amended to read as follows:

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 2. IC 9-18-2-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. (a)

Except as provided in subsection (b), a license plate issued under section 30 of this chapter:

- (1) must be six (6) inches wide and twelve (12) inches long;
- (2) must display:
 - (A) the registration number assigned to the vehicle for which the plate is issued;
 - (B) the letters "IN"; and
 - (C) the year for which the plate is issued;
- (3) may have a prefix of at least one (1) letter of the alphabet to designate the type of vehicle registered; and
- (4) shall be treated with special reflective material designed to increase the visibility and legibility of the license plate.

The bureau must comply with section 36 of this chapter.

(b) The bureau may issue license plates in a different size or character if the bureau determines that the change is appropriate to effect the proper display of the license plates.

SECTION 3. IC 9-18-2-36 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 36. (a) A license plate issued for a passenger car must display a numeral that indicates the county in which the passenger car was registered.

(b) The numeral described in subsection (a) must be:

- (1) two and three-quarters (2 3/4) inches high; and
- (2) displayed at the location on the license plate where the county designator was located on January 1, 2007.

The bureau may not alter the size or the position of the county indicator numeral."

Page 10, after line 28, begin a new paragraph and insert:
 "SECTION 12. An emergency is declared for this act."
 Renumber all SECTIONS consecutively.
 (Reference is to ESB 247 as printed March 16, 2007.)

SAUNDERS

The Speaker ordered a division of the House and appointed Representatives Stilwell and Bosma to count the yeas and nays. Yeas 63, nays 32. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 371

Representative Tyler called down Engrossed Senate Bill 371 for second reading. The bill was read a second time by title.

HOUSE MOTION
 (Amendment 371-3)

Mr. Speaker: I move that Engrossed Senate Bill 371 be amended to read as follows:

Page 1, line 6, after "terminals" insert ",".

Page 1, line 6, after "terminals" strike "and".

Page 1, line 7, after "headquarters" insert ", and mobile camps".

Page 1, line 12, after "points" insert "and mobile camps".

Page 2, line 2, delete "with the" and insert "in compliance with the rules adopted under IC 16-19-3-4.4".

Page 2, delete lines 3 through 16.

Page 4, delete lines 26 through 27 and insert "rules under IC 4-22-2 necessary to protect the health, safety, and welfare of persons living in mobile camps, including provisions relating to sanitary conditions, light, air, safety protection from fire hazards, equipment, maintenance, and operation of the camp, sewage disposal through septic tank absorption fields, and other matters appropriate for the security of the life and health of occupants".

Page 4, line 31, delete "of seventy-five dollars" and insert "necessary to cover all the expenses incurred in the process of conducting inspections of a mobile camp, to be paid by the railroad company operating the mobile camp".

Page 4, delete lines 32 through 34.

Page 4, line 35, delete "The" and insert "A".

Page 4, line 36, delete ":" and insert ";".

Page 4, between lines 40 and 41, begin a new line block indented and insert:

"(3) A requirement that the railroad company, after the departure of the mobile camp, restore the property upon which the mobile camp existed to its condition before the arrival of the mobile camp."

Page 4, line 41, delete "(3)" and insert "(4)".

Page 5, line 1, delete "joint inspections of the mobile" and insert "either:

(A) independent inspections of the mobile camp without the presence of the railroad company or a union representative; or

(B) joint inspections of the mobile camp with the presence of the railroad company and a union representative of each craft of employees working for the railroad company."

Page 5, delete lines 2 through 6.

(Reference is to ESB 371 as printed March 16, 2007.)

TYLER

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 526

Representative VanHaaften called down Engrossed Senate Bill 526 for second reading. The bill was read a second time by title.

HOUSE MOTION
 (Amendment 526-1)

Mr. Speaker: I move that Engrossed Senate Bill 526 be amended to read as follows:

Page 2, strike line 5.

Page 2, line 6, strike "permanent endowment funds under".

Page 2, line 6, delete "IC 21-7-14".

Page 6, line 34, strike "(as defined in)".

Page 6, line 35, strike "IC 20-12-0.5-1)".

Page 12, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 20. IC 4-4-2.4-2, AS ADDED BY P.L.144-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The office of the lieutenant governor may adopt rules under IC 4-22-2 to carry out the duties, purposes, and functions of the office of the lieutenant governor relating to:

(1) energy policy under section 1 of this chapter;

(2) the administration of the center for coal technology research under ~~IC 4-4-30-5-5~~; **IC 21-47-4-2**; and

(3) the Indiana recycling and energy development board under IC 4-23-5.5-6.5".

Page 21, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 32. IC 4-12-12-6, AS AMENDED BY P.L.1-2005, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. Money in the account that is not otherwise designated under section 3 of this chapter is annually dedicated to the following:

(1) The certified school to career program and grants under IC 22-4-1-8.

(2) The certified internship program and grants under IC 22-4-1-7.

(3) The Indiana economic development partnership fund under IC 4-12-10.

(4) Minority training program grants under IC 22-4-18.1-11.

(5) Technology apprenticeship grants under IC 20-20-32.

(6) The back home in Indiana program under IC 22-4-18.1-12.

(7) The Indiana schools smart partnership under IC 22-4-1-9.

(8) The scientific instrument project within the department

of education.

(9) The coal technology research fund under ~~IC 4-4-30-8~~
IC 21-47-4-5."

Page 30, line 21, strike "IC 20-12-1-4." and insert **"IC 21-38-3-1."**

Page 33, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 54. IC 4-23-5.5-16, AS AMENDED BY P.L.1-2006, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) As used in this section, "center" refers to the center for coal technology research established by ~~IC 4-4-30-5~~ **IC 21-47-4-1**.

(b) The Indiana coal research grant fund is established for the purpose of providing grants for research and other projects designed to develop and expand markets for Indiana coal. The fund shall be administered by the center.

(c) Sources of money for the fund consist of the following:

(1) Appropriations from the general assembly.

(2) Donations, gifts, and money received from any other source, including transfers from other funds or accounts.

(d) Money remaining in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) The center shall establish:

(1) amounts for grants under this section; and

(2) criteria for awarding grants under this section.

(g) A person, business, or manufacturer that wants a grant from the fund must file an application in the manner prescribed by the center.

(h) The center shall appoint a panel of at least eight (8) members to review and make recommendations to the center about each application filed under this section. To be a member of the panel, an individual must be a scientist, a professional engineer registered under IC 25-31-1, or another professional who is familiar with coal combustion, coal properties, coal byproducts, and other coal uses.

(i) The lieutenant governor shall pursue available private and public sources of money for the fund."

Page 60, line 22, after "IC 20-5.5" insert **"(before its repeal) or IC 20-24"**.

Page 69, line 36, delete "IC 21-32-1." and insert **"IC 21-32-3."**

Page 82, line 30, strike "Referenda."

Page 109, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 114. IC 6-1.1-12-35.5, AS AMENDED BY P.L.154-2006, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 35.5. (a) Except as provided in section 36 of this chapter, a person who desires to claim the deduction provided by section 31, 33, 34, or 34.5 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, and proof of certification under subsection (b) or (f) with the auditor of the county in which the property for which the deduction is claimed is subject to assessment. Except as provided in subsection (e), with respect to property that is not assessed under IC 6-1.1-7, the person must file the statement between March 1 and June 11, inclusive, of the assessment year. The person must file the statement in each year for which the person desires to obtain the deduction. With respect to a property which is assessed under IC 6-1.1-7, the person must file the statement between January 15 and March 31, inclusive, of each year for which the person desires to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. On verification of the statement by the assessor of the township in which the

property for which the deduction is claimed is subject to assessment, the county auditor shall allow the deduction.

(b) This subsection does not apply to an application for a deduction under section 34.5 of this chapter. The department of environmental management, upon application by a property owner, shall determine whether a system or device qualifies for a deduction provided by section 31, 33, or 34 of this chapter. If the department determines that a system or device qualifies for a deduction, it shall certify the system or device and provide proof of the certification to the property owner. The department shall prescribe the form and manner of the certification process required by this subsection.

(c) This subsection does not apply to an application for a deduction under section 34.5 of this chapter. If the department of environmental management receives an application for certification before May 11 of the assessment year, the department shall determine whether the system or device qualifies for a deduction before June 11 of the assessment year. If the department fails to make a determination under this subsection before June 11 of the assessment year, the system or device is considered certified.

(d) A denial of a deduction claimed under section 31, 33, 34, or 34.5 of this chapter may be appealed as provided in IC 6-1.1-15. The appeal is limited to a review of a determination made by the township assessor, county property tax assessment board of appeals, or department of local government finance.

(e) A person who timely files a personal property return under IC 6-1.1-3-7(a) for an assessment year and who desires to claim the deduction provided in section 31 of this chapter for property that is not assessed under IC 6-1.1-7 must file the statement described in subsection (a) between March 1 and June 11, inclusive, of that year. A person who obtains a filing extension under IC 6-1.1-3-7(b) for an assessment year must file the application between March 1 and the extended due date for that year.

(f) This subsection applies only to an application for a deduction under section 34.5 of this chapter. The center for coal technology research established by ~~IC 4-4-30-5~~ **IC 21-47-4-1**, upon receiving an application from the owner of a building, shall determine whether the building qualifies for a deduction under section 34.5 of this chapter. If the center determines that a building qualifies for a deduction, the center shall certify the building and provide proof of the certification to the owner of the building. The center shall prescribe the form and procedure for certification of buildings under this subsection. If the center receives an application for certification of a building under section 34.5 of this chapter before May 11 of an assessment year:

(1) the center shall determine whether the building qualifies for a deduction before June 11 of the assessment year; and

(2) if the center fails to make a determination before June 11 of the assessment year, the building is considered certified.

SECTION 115. IC 6-1.1-18-12, AS AMENDED BY P.L.154-2006, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) For purposes of this section, "maximum rate" refers to the maximum:

(1) property tax rate or rates; or

(2) special benefits tax rate or rates;

referred to in the statutes listed in subsection (d).

(b) The maximum rate for taxes first due and payable after 2003 is the maximum rate that would have been determined under subsection (e) for taxes first due and payable in 2003 if subsection (e) had applied for taxes first due and payable in 2003.

(c) The maximum rate must be adjusted:

(1) each time an annual adjustment of the assessed value of real property takes effect under IC 6-1.1-4-4.5; and

(2) each time a general reassessment of real property takes effect under IC 6-1.1-4-4.

(d) The statutes to which subsection (a) refers are:

- (1) IC 8-10-5-17;
- (2) IC 8-22-3-11;
- (3) IC 8-22-3-25;
- (4) IC 12-29-1-1;
- (5) IC 12-29-1-2;
- (6) IC 12-29-1-3;
- (7) IC 12-29-3-6;
- (8) IC 13-21-3-12;
- (9) IC 13-21-3-15;
- (10) IC 14-27-6-30;
- (11) IC 14-33-7-3;
- (12) IC 14-33-21-5;
- (13) IC 15-1-6-2;
- (14) IC 15-1-8-1;
- (15) IC 15-1-8-2;
- (16) IC 16-20-2-18;
- (17) IC 16-20-4-27;
- (18) IC 16-20-7-2;
- (19) IC 16-22-14;
- (20) IC 16-23-1-29;
- (21) IC 16-23-3-6;
- (22) IC 16-23-4-2;
- (23) IC 16-23-5-6;
- (24) IC 16-23-7-2;
- (25) IC 16-23-8-2;
- (26) IC 16-23-9-2;
- (27) IC 16-41-15-5;
- (28) IC 16-41-33-4;
- (29) IC 20-46-2-3;
- (30) IC 20-46-6-5;
- (31) IC 20-49-2-10;
- (32) ~~IC 23-13-17-1~~, **IC 36-1-19-1**;
- (33) IC 23-14-66-2;
- (34) IC 23-14-67-3;
- (35) IC 36-7-13-4;
- (36) IC 36-7-14-28;
- (37) IC 36-7-15.1-16;
- (38) IC 36-8-19-8.5;
- (39) IC 36-9-6.1-2;
- (40) IC 36-9-17.5-4;
- (41) IC 36-9-27-73;
- (42) IC 36-9-29-31;
- (43) IC 36-9-29.1-15;
- (44) IC 36-10-6-2;
- (45) IC 36-10-7-7;
- (46) IC 36-10-7-8;
- (47) IC 36-10-7.5-19;
- (48) IC 36-10-13-5;
- (49) IC 36-10-13-7;
- (50) IC 36-10-14-4;
- (51) IC 36-12-7-7;
- (52) IC 36-12-7-8;
- (53) IC 36-12-12-10; and
- (54) any statute enacted after December 31, 2003, that:
 - (A) establishes a maximum rate for any part of the:
 - (i) property taxes; or
 - (ii) special benefits taxes;
 imposed by a political subdivision; and
 - (B) does not exempt the maximum rate from the adjustment under this section.

(e) The new maximum rate under a statute listed in subsection (d) is the tax rate determined under STEP SEVEN of the following STEPS:

STEP ONE: Determine the maximum rate for the political subdivision levying a property tax or special benefits tax under the statute for the year preceding the year in which the annual adjustment or general reassessment takes effect.
 STEP TWO: Determine the actual percentage increase

(rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the year preceding the year the annual adjustment or general reassessment takes effect to the year that the annual adjustment or general reassessment takes effect.

STEP THREE: Determine the three (3) calendar years that immediately precede the ensuing calendar year and in which a statewide general reassessment of real property does not first take effect.

STEP FOUR: Compute separately, for each of the calendar years determined in STEP THREE, the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the preceding year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Determine the greater of the following:

(A) Zero (0).

(B) The result of the STEP TWO percentage minus the STEP FIVE percentage.

STEP SEVEN: Determine the quotient of the STEP ONE tax rate divided by the sum of one (1) plus the STEP SIX percentage increase.

(f) The department of local government finance shall compute the maximum rate allowed under subsection (e) and provide the rate to each political subdivision with authority to levy a tax under a statute listed in subsection (d)."

Page 110, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 117. IC 6-1.1-44-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. As used in this chapter, a unit of materials, goods, or other tangible personal property is a "recycled component" if coal combustion products constitute at least fifteen percent (15%) by weight of the substances of which the unit is composed. Recycled components include:

- (1) aggregates;
- (2) fillers;
- (3) cementitious materials; or
- (4) any combination of aggregates, filler, or cementitious materials;

that are used in the manufacture of masonry construction products (including portland cement based mortar), normal and lightweight concrete, blocks, bricks, pavers, pipes, prestressed concrete products, filter media, and other products approved by the center for coal technology research established under ~~IC 4-4-30~~. **IC 21-47-4**."

Page 116, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 123. IC 6-3.1-25.2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. As used in this chapter, a unit of materials, goods, or other tangible personal property is a "recycled component" if coal combustion products constitute at least fifteen percent (15%) by weight of the substances of which the unit is composed. Recycled components include:

- (1) aggregates;
- (2) fillers;
- (3) cementitious materials; or
- (4) any combination of aggregates, filler, or cementitious materials;

that are used in the manufacture of masonry construction products (including portland cement based mortar), normal and lightweight concrete, blocks, bricks, pavers, pipes, prestressed concrete products, filter media, and other products approved by the Center for Coal Technology Research established under ~~IC 4-4-30~~. **IC 21-47-4**.

SECTION 124. IC 6-3.1-25.2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. To obtain a credit under this chapter, the manufacturer must file with the department information that the department determines is necessary for the calculation of the credit provided under this chapter. The department shall keep a list that includes:

- (1) the name of each manufacturer that receives a credit under this chapter and IC 6-1.1-44; and
- (2) the amount of each credit for the manufacturer in the taxable year;

and provide the list annually to the center for coal technology research established under ~~IC 4-4-30-4~~ **IC 21-47-4**.

SECTION 125. IC 6-3.1-29-5, AS ADDED BY P.L.191-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. As used in this chapter, "Indiana coal" has the meaning set forth in ~~IC 4-4-30-4~~ **IC 21-47-1-4**.

Page 120, line 19, delete "IC 21-7-13-6)." and insert **"IC 21-7-13-6(a))."**

Page 125, line 17, delete "nonprofit college or" and insert **"postsecondary educational institution"**.

Page 125, line 18, delete "university".

Page 125, line 18, delete "IC 21-17-16-1." and insert **"IC 21-17-6-1."**

Page 129, line 12, delete "IC 20-23-7." and insert **"IC 21-31-7."**

Page 131, line 1, delete "IC 21-7-13-26)" and insert **"IC 21-17-1-13)"**.

Page 131, line 20, strike "IC 20-12-76-24(a)," and insert **"IC 21-17-3-12(a)."**

Page 132, line 34, strike "college." and insert **"postsecondary educational institution."**

Page 140, line 27, delete "IC 21-7-13-6." and insert **"IC 21-7-13-6(a)."**

Page 154, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 176. IC 15-2.1-2-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24. "Laboratory" means the animal disease diagnostic laboratory established by ~~IC 15-2.1-5-1~~ **IC 21-46-3-1** or any other laboratory approved by the board.

SECTION 177. IC 15-5-17-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) This section does not apply to the following:

- (1) A state or federally inspected livestock slaughtering facility (for conduct authorized by IC 15-2.1-24 and rules adopted under that chapter).
- (2) An animal disease diagnostic laboratory established under ~~IC 15-2.1-5-1~~ **IC 21-46-3-1**.
- (3) A ~~college or university~~ **postsecondary educational institution**.
- (4) A research facility licensed by the United States Department of Agriculture.

(b) A person who knowingly or intentionally destroys or authorizes the destruction of an animal:

- (1) by means of placing the animal in a decompression chamber and lowering the pressure of or the oxygen content in the air surrounding the animal; or
- (2) by electrocution;

commits a Class B misdemeanor."

Page 154, line 24, delete "IC 21-13-7-6." and insert **"IC 21-7-13-6(a)."**

Page 190, delete lines 10 through 42.

Delete page 191.

Page 192, delete lines 1 through 4.

Page 200, line 40, strike "IC 20-30-11." and insert **"IC 21-43-4."**

Page 213, line 32, delete "IC 21-12-1-6." and insert **"IC 21-12-1-5."**

Page 216, line 5, delete "IC 21-17-5" and insert **"IC 21-17-1-14, IC 21-17-1-17,"**.

Page 216, line 13, delete ":".

Page 216, delete lines 14 through 15.

Page 216, line 16, delete "(2)" and insert **"IC 21-17-1-14, IC 21-17-1-17, and"**.

Page 216, line 16, delete "IC 21-17-1-10(2)." and insert **"IC 21-17-1-10."**

Page 216, run in lines 13 through 16.

Page 229, between lines 4 and 5, begin a new paragraph and insert:

"Sec. 1. The governor shall appoint an executive director to administer the programs of the commission."

Page 229, line 5, delete "1." and insert **"2."**

Page 229, line 13, delete "2." and insert **"3."**

Page 231, line 7, delete "IC 21-15-5." and insert **"IC 21-14-5."**

Page 231, line 41, delete "IC 20-12-6," and insert **"IC 21-12-6,"**

Page 232, line 1, delete "IC 20-12-6-4;" and insert **"IC 21-12-6-4;"**

Page 232, line 2, delete "IC 20-12-8," and insert **"IC 21-12-8,"**

Page 261, line 15, delete "section 2" and insert **"sections 2 through 6"**.

Page 261, line 18, delete "section 2" and insert **"sections 2 through 6"**.

Page 271, line 12, delete "IC 20-16-4" and insert **"IC 21-16-4"**.

Page 271, line 14, delete "IC 20-16-4-1." and insert **"IC 21-16-4-1."**

Page 272, line 1, delete "student".

Page 282, line 18, delete ":".

Page 282, delete lines 19 through 20.

Page 282, line 21, delete "(2)" and insert **"sections 14 and 17 of this chapter and"**.

Page 282, run in lines 18 through 21.

Page 349, line 5, delete "IC 21-29-1-1." and insert **"IC 21-29-2-1."**

Page 362, line 4, delete "IC 21-33;" and insert **"IC 21-35-7;"**.

Page 365, line 40, delete "registered" and insert **"furnishing the information required"**.

Page 374, line 36, delete "IC 20-12-7,".

Page 374, line 36, delete "IC 21-35-4" and insert **"IC 21-35-5"**.

Page 394, line 32, delete "IC 21-33-3-2(2)." and insert **"IC 21-35-3-2(2)."**

Page 410, line 4, delete "IC 21-33-3" and insert **"IC 21-35-3"**.

Page 422, line 31, after "fund" insert **"described in section 13(1) of this chapter"**.

Page 426, line 33, delete "or".

Page 426, line 34, delete "IC 21-38-3-2(2)".

Page 426, line 39, delete "or".

Page 426, line 40, delete "IC 21-38-3-2(2)".

Page 438, line 14, delete "sections".

Page 457, line 19, delete "IC 21-3-8," and insert **"IC 21-43-8,"**

Page 470, line 24, delete "IC 21-43-3," and insert **"IC 21-44-3,"**

Page 470, line 26, delete "IC 21-43-3-1(4)." and insert **"IC 21-44-3-1(4)."**

Page 564, line 18, strike "IC 20-12-21.7-4)." and insert **"IC 21-13-1-6)."**

Page 570, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 377. IC 35-46-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Except as provided in subsections (b) through (c), this chapter does not apply to the following:

- (1) Fishing, hunting, trapping, or other conduct authorized under IC 14-22.
- (2) Conduct authorized under IC 15-5-7.
- (3) Veterinary practices authorized by standards adopted under IC 15-5-1.1-8.
- (4) Conduct authorized by a local ordinance.
- (5) Acceptable farm management practices.
- (6) Conduct authorized by the Indiana Meat and Poultry Inspection and Humane Slaughter Act, IC 15-2.1-24, and rules adopted under IC 15-2.1-24 for state or federally inspected livestock slaughtering facilities.
- (7) A research facility registered with the United States Department of Agriculture under the federal Animal Welfare Act (7 U.S.C. 2131 et seq.).
- (8) Destruction of a vertebrate defined as a pest under IC 15-3-3.6-2(22).

(b) Section 1 of this chapter applies to conduct described in subsection (a).

(c) Destruction of an animal by electrocution is authorized under this section only if it is conducted by a person who is engaged in an acceptable farm management practice, by a research facility registered with the United States Department of Agriculture under the Animal Welfare Act, or for the animal disease diagnostic laboratory established under ~~IC 15-2.1-5-1, IC 21-46-3-1~~, a research facility licensed by the United States Department of Agriculture, a college, or a university."

Page 576, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 382. IC 36-1.5-4-41, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 41. (a) Notwithstanding any other law, an individual:

- (1) who is employed as a firefighter or a police officer by a political subdivision that is reorganized under this article;
- (2) who is a member of the 1977 fund before the effective date of the reorganization under this article; and
- (3) who, after the reorganization, becomes an employee of the fire department, police department, or county police department of the reorganized political subdivision;

remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The firefighter or police officer shall receive credit for any service as a member of the 1977 fund before the reorganization to determine the firefighter's or police officer's eligibility for benefits under IC 36-8-8.

(b) Notwithstanding any other law, an individual:

- (1) who is employed as a firefighter by a political subdivision that is reorganized under this article;
- (2) who is a member of the 1937 fund before the effective date of the reorganization under this article; and
- (3) who, after the reorganization, becomes an employee of the fire department of the reorganized political subdivision;

remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the reorganization to determine the firefighter's eligibility for benefits under IC 36-8-7.

(c) Notwithstanding any other law, an individual:

- (1) who is employed as a member of a county police department by a political subdivision that is reorganized under this article;
- (2) who is a member of the sheriff's pension trust before the effective date of the reorganization under this article; and
- (3) who, after the reorganization, becomes a law enforcement officer of the reorganized political subdivision;

remains a member of the sheriff's pension trust. The individual shall receive credit for any service as a member of the sheriff's pension trust before the reorganization to determine the individual's eligibility for benefits under IC 36-8-10.

(d) Notwithstanding any other law, an individual:

- (1) who is employed as a police officer by a political subdivision that is reorganized under this article;
- (2) who is a member of the 1925 fund or 1953 fund before the effective date of the reorganization under this article; and
- (3) who, after the reorganization, becomes an employee of the police department or county police department of the reorganized political subdivision;

remains a member of the 1925 fund or 1953 fund. The police officer shall receive credit for any service as a member of the 1925 fund or 1953 fund before the reorganization to determine the police officer's eligibility for benefits under IC 36-8-6 or IC 36-8-7.5.

(e) Notwithstanding any other law, an individual:

- (1) who is employed by a political subdivision that is reorganized under this article;
- (2) who is a member of the pre-1996 account (as defined in ~~IC 21-6-1-1-6-9~~) **IC 5-10.4-1-12** before the effective date of the reorganization under this article; and
- (3) who, after the reorganization, becomes an employee of the reorganized political subdivision in a position that qualifies the individual for service credit in the Indiana state teachers' retirement fund;

remains a member of the pre-1996 account.

SECTION 383. IC 36-2-7-10, AS AMENDED BY P.L.169-2006, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) The county recorder shall tax and collect the fees prescribed by this section for recording, filing, copying, and other services the recorder renders, and shall pay them into the county treasury at the end of each calendar month. The fees prescribed and collected under this section supersede all other recording fees required by law to be charged for services rendered by the county recorder.

(b) The county recorder shall charge the following:

- (1) Six dollars (\$6) for the first page and two dollars (\$2) for each additional page of any document the recorder records if the pages are not larger than eight and one-half (8 1/2) inches by fourteen (14) inches.
- (2) Fifteen dollars (\$15) for the first page and five dollars (\$5) for each additional page of any document the recorder records, if the pages are larger than eight and one-half (8 1/2) inches by fourteen (14) inches.
- (3) For attesting to the release, partial release, or assignment of any mortgage, judgment, lien, or oil and gas lease contained on a multiple transaction document, the fee for each transaction after the first is the amount provided in subdivision (1) plus the amount provided in subdivision (4) and one dollar (\$1) for marginal mortgage assignments or marginal mortgage releases.
- (4) One dollar (\$1) for each cross-reference of a recorded document.
- (5) One dollar (\$1) per page not larger than eight and one-half (8 1/2) inches by fourteen (14) inches for furnishing copies of records and two dollars (\$2) per page that is larger than eight and one-half (8 1/2) inches by fourteen (14) inches.
- (6) Five dollars (\$5) for acknowledging or certifying to a document.
- (7) Five dollars (\$5) for each deed the recorder records, in addition to other fees for deeds, for the county surveyor's corner perpetuation fund for use as provided in ~~IC 32-19-4-3~~ **IC 21-47-3-3** or IC 36-2-12-11(e).
- (8) A fee in an amount authorized under IC 5-14-3-8 for transmitting a copy of a document by facsimile machine.
- (9) A fee in an amount authorized by an ordinance adopted by the county legislative body for duplicating a computer tape, a computer disk, an optical disk, microfilm, or similar

media. This fee may not cover making a handwritten copy or a photocopy or using xerography or a duplicating machine.

(10) A supplemental fee of three dollars (\$3) for recording a document that is paid at the time of recording. The fee under this subdivision is in addition to other fees provided by law for recording a document.

(11) Three dollars (\$3) for each mortgage on real estate recorded, in addition to other fees required by this section, distributed as follows:

(A) Fifty cents (\$0.50) is to be deposited in the recorder's record perpetuation fund.

(B) Two dollars and fifty cents (\$2.50) is to be distributed to the auditor of state on or before June 20 and December 20 of each year as provided in IC 24-9-9-3.

(c) The county recorder shall charge a two dollar (\$2) county identification security protection fee for recording or filing a document. This fee shall be deposited under IC 36-2-7.5-6.

(d) The county treasurer shall establish a recorder's records perpetuation fund. All revenue received under subsection (b)(5), (b)(8), (b)(9), and (b)(10), and fifty cents (\$0.50) from revenue received under subsection (b)(11), shall be deposited in this fund. The county recorder may use any money in this fund without appropriation for the preservation of records and the improvement of record keeping systems and equipment.

(e) As used in this section, "record" or "recording" includes the functions of recording, filing, and filing for record.

(f) The county recorder shall post the fees set forth in subsection (b) in a prominent place within the county recorder's office where the fee schedule will be readily accessible to the public.

(g) The county recorder may not tax or collect any fee for:

(1) recording an official bond of a public officer, a deputy, an appointee, or an employee; or

(2) performing any service under any of the following:

(A) IC 6-1.1-22-2(c).

(B) IC 8-23-7.

(C) IC 8-23-23.

(D) IC 10-17-2-3.

(E) IC 10-17-3-2.

(F) IC 12-14-13.

(G) IC 12-14-16.

(h) The state and its agencies and instrumentalities are required to pay the recording fees and charges that this section prescribes."

Page 576, line 11, strike "IC 20-12-29.5," and insert "**IC 21-44-2**,".

Page 581, line 1, after "IC 20-12" insert "IC 20-30-11; IC 20-30-11.5;".

Renumber all SECTIONS consecutively.

(Reference is to ESB 526 as printed March 16, 2007.)

VAN HAAFTEN

Upon request of Representatives Torr and Whetstone, the Speaker ordered the roll of the House to be called. Roll Call 378: yeas 95, nays 1. Motion prevailed. The bill was ordered engrossed.

With consent of the members, the Speaker returned to bills on third reading.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 128

Representative Tyler called down Engrossed Senate Bill 128 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Representatives Battles, Kersey, Klinker, Moses, and Thompson were excused from voting, pursuant to House Rule 46. Roll Call 379: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 68

The Speaker handed down Senate Concurrent Resolution 68, sponsored by Representatives Klinker and Koch:

A CONCURRENT RESOLUTION congratulating the Indiana Community Arts Leadership Award Recipients for 2007.

Whereas, The Indiana Coalition for the Arts Foundation represents hundreds of individuals, nonprofit organizations, and arts-related businesses from all over the State of Indiana;

Whereas, The arts promote local economic activity through arts-related spending and cultural tourism. Indiana is home to 7,800 arts-related businesses that employ over 47,000 Hoosiers and generate over one billion dollars in local economic activity;

Whereas, The Indiana Community Arts Leadership Award honors individuals who, through their donations of time, resources or leadership, have been instrumental in creating, promoting, or developing local arts activities in their communities;

Whereas, This year's Community Arts Leadership Award recipients include: Outstanding Arts Administrator, presented to Bobbie J. Garver of Indianapolis; Outstanding Arts Advocates, presented to Carole and Gordon Mallett of Zionsville; Outstanding Arts Educator, presented to Keith J. Martin of Evansville; and Outstanding Arts Volunteer Leader, presented to Marilyn Ford of Wabash; and

Whereas, This year's recipients are all outstanding citizens who commit their time and talents to make a difference in their communities. Their efforts to enrich the cultural and artistic landscape of Indiana inspire us and are worthy of recognition: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Indiana Community Arts Leadership Award Recipients for 2007.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Chairman of the Indiana Coalition for the Arts Foundation, Stuart M. Green, and the recipients of the Indiana Community Arts Leadership Award.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Reassignments

The Speaker announced the following reassignments:

Engrossed Senate Bill 4 from the Committee on Technology, Research and Development to the Committee on Rules and Legislative Procedures.

Engrossed Senate Bill 261 from the Committee on Rules and Legislative Procedures to the Committee on Local Government.

HOUSE MOTION

Mr. Speaker: I move that Representative Crouch added as coauthor of Engrossed House Bill 1033.

HOY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Mays removed as sponsor of Engrossed Senate Bill 65.

MAYS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Lutz added as cosponsor of Engrossed Senate Bill 206.

STEVENSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Noe added as cosponsor of Engrossed Senate Bill 328.

WELCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Dembowski added as cosponsor of Engrossed Senate Bill 329.

WELCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Noe added as cosponsor of Engrossed Senate Bill 330.

SUMMERS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Noe added as cosponsor of Engrossed Senate Bill 345.

CHENEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Knollman and Koch added as cosponsors of Engrossed Senate Bill 553.

V. SMITH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker added as cosponsor of Engrossed Senate Bill 562.

SUMMERS

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Eberhart, the House adjourned at 2:35 p.m., this twenty-second day of March, 2007, until Monday, March 26, 2007, at 1:00 p.m.

B. PATRICK BAUER

Speaker of the House of Representatives

CLINTON McKAY

Principal Clerk of the House of Representatives